



**ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF INVESTIGATION**

SA 16-250

INTERVIEW REPORT

CASE NAME: MIGUEL SILICEO & [REDACTED]

CLASSIFICATION: OFFICER MISCONDUCT

INTERVIEW OF: MICHAEL BOVA, POLICE CORPORAL
FULLERTON POLICE DEPARTMENT

PRESENT: RICHARD AYERS, INVESTIGATOR
ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

DATE AND TIME: 03/23/2016 2009 HOURS

LOCATION: FULLERTON POLICE DEPARTMENT

On March 23, 2016, at approximately 2009 hours, Orange County District Attorney Investigator RICHARD AYERS and I conducted an audio digital recorded interview of Fullerton Police (FPD) Corporal MICHAEL BOVA regarding the officer misconduct allegations related to FPD Officers MIGUEL SILICEO and [REDACTED]. The following is a summary of the interview:

BOVA said he was providing a free and voluntary statement. No one from his agency had ordered him to give a statement. He did not feel compelled to give a statement because the district attorney's office was conducting the investigation.

BOVA had worked as a police officer for the FPD for over 27 years. He worked previously for the Anaheim Police Department in various non-sworn positions. He had also been a reserve police officer with the La Palma Police Department.

BOVA was assigned to the Mid-Watch at the time of the incident, from 1430 to 0300 hours, on Mondays, Tuesdays and Wednesdays. The date of the incident was a Thursday

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David F. Melnyk

Approved By:

Stan Berry

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morning, which would have been the end of BOVA's work week. He was assigned to uniformed patrol duties but he did not recall his assigned area at the time.

I asked BOVA about the incident which occurred on July 9, 2015, in the 100 block of West Amerige Avenue involving FPD Officer [REDACTED] Officer SILICEO, Corporal DAVID BECERRA, Officer ED LEMOINE and BOVA. BOVA said there were a lot of incidents which occurred in the same area. He wanted to view his video from the Body Worn Camera (BWC) of the incident prior to answering questions. BOVA viewed his BWC video which had a 30 second delay before the audio began and was 3 minutes and 2 seconds in length. He also viewed a portion of LEMOINE's BWC video to refresh his recollection.

BOVA said officers would come to the area when the bars were closing in case something happened. There have been problems in the area. Every weekend day would be "nuts." All three of the nights he worked were bar nights, with Tuesday being the biggest day aside from the weekend, which he described as "ridiculous." The problems included fights, assaults, and alcohol related crimes including drunk in public.

BOVA said officers were at the location at the time of the incident to get tacos from the taco truck. His attention was attracted to the subjects who were in the area, apparently to get tacos also. The first subject [REDACTED] arrested, later identified as VICTOR SERRANO, was mouthy and very intoxicated. He was shouting insults at BOVA. He was commenting on BOVA being a "fat" officer and an "old guy." BOVA "tuned it out." SERRANO's friends were telling SERRANO to knock it off. BOVA was unsure how the subjects got to the other end of the parking lot, but that was where [REDACTED] ended up arresting SERRANO.

BOVA did not see what led up to the "other incident" with SILICEO when he pushed the subject, later identified as LUIS DIAZ to the ground.

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BOVA thought there were three to four people in the group with the subjects. There were other people standing around as well. He did not know if they were involved with the subjects. He did not recognize any of the subjects and had not seen them before.

BOVA said SERRANO was arrested for 647(f) PC - Drunk in Public, which he thought was appropriate based on his intoxication. BOVA described SERRANO as very intoxicated. He had very slurred speech. His eyes were bloodshot and he was "mouthy." He did not know why DIAZ was arrested, but assumed it was for 148(a) PC - Delaying or Obstructing an Officer. DIAZ was also intoxicated, but not to the same level as SERRANO. He did not have any direct interaction with the subjects to make his own evaluation as to whether they should have been arrested or not. He did not know if the subjects with SERRANO and DIAZ were ever identified by the officers. BOVA was aware 415.1 PC was the charge for Fighting in Public.

BOVA did not think he ever talked to [REDACTED] or SILICEO about the arrests. He did not find the arrests out of the ordinary due to the large number of intoxicated individuals in the area. He did not think he went to the police station with [REDACTED] and SILICEO. He did not read the police reports.

BOVA wore his BWC on his belt. He described how to activate and deactivate the BWC. He was required to activate his BWC during any type of incidents or calls including arrests, citations and transporting prisoners. Once at the police station, there were multiple cameras inside the jail and Sally Port, so officers were not required to continue recording. After recording an incident, officers could only view their recordings on a major incident or use of force with permission from a supervisor. BOVA's practice was to write notes and review his BWC video if he was uncertain about statements made. He did not normally review the BWC video.

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BOVA described the BWC as good and bad. It had a purpose. He thought it was good in an incident such as this one to allow people to make determinations based on what they see. He felt there was a purpose for the BWC. It has gotten some officers in trouble, but most do not do things to get themselves into trouble.

BOVA had no further information to offer regarding the incident.

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